

Contract Approval Guidelines

Section 3669 of the NIFA Act requires that during a control period all contracts entered into by the County or any Covered Organization must comply with the requirements of the financial plan approved by the Authority. Therefore, the following parameters and guidelines have been adopted by the NIFA Directors and are to be met in order for the County to be in compliance with NIFA's Contract Review Process.

County Funds Subject to Review

NIFA's review will include the following funds/entities:

Major Funds:

General Fund
Police District Fund
Police Headquarters Fund
Fire Commission Fund
County Parks & Recreation Fund

Other Funds/Entities:

Capital Improvement Fund
Red Light Camera Fund
Sewer & Storm Water District Fund
Sewer & Storm Water Finance Authority
Public Utility Authority
Grant Fund

County Funds/Entities Exempt from Review

All Covered Organizations

Threshold Dollar Amount \geq \$50,000

The NIFA enabling legislation does not establish a dollar threshold for contract review under the control period. The minimum dollar threshold for contract review required will be equal to or greater than \$50,000. We also require that when the aggregate of contracts issued to a particular vendor for the provision of similar services is equal to or greater than \$50,000 in any 12 month period they be submitted for review even if each individual contract is less than \$50,000.

County Contract Change Orders

The County will send to NIFA for its review and written approval any contract "change order" that amends a current County contract to incur extra work for an amount that individually or cumulatively exceeds 10% of the original contract amount. The change order is subject to the same emergency provisions, review thresholds and other specified guidelines already provided within these NIFA Contract Review Guidelines.

Contracts Excluded

Contracts that are fully (100%) Funded by Grant Sources

There are contracts that receive 100% funding from a third party (i.e. Federal or New York State government) and may include more than one grant funding source. These contracts provide vital services such as but not limited to day care, physical therapy and housing services. Many of these contracts are time-sensitive in that the County has to execute the contracts by a certain date or the third party will withdraw the funding. Therefore, the contracts that are excluded from NIFA review are those contracts entered into with vendors who will be paid entirely with grant funding and do not include any portion that is funded by the County's own operating fund. This exclusion includes the provision that NIFA will receive a monthly report of all 100% grant excluded contracts so that we can continue to monitor the grant contract process regarding expenditures, service categories and vendors providing services.

Emergency Contracts

There are occasions when the County must act immediately to address issues of public health or safety. Under these circumstances the County Executive ("CE") or his designee issues a Notice of Emergency to the Chair of NIFA or his designee and will enter into the emergency contract having received verbal approval. As soon thereafter as is practicable, the CE or his designee submits the formal contract to NIFA for approval.

Contract Adviselements and "Cent Contracts"

A Contract Adviselement is a request to encumber additional funds under an existing contract. A "cent" contract is a contract that is put into the system with a cent amount (e.g. .02¢) to enable claims to be made against it as they are received. These types of contracts are exempt from the NIFA review process under the following circumstances:

1. The Contract Adviselement/cent contract is not increasing the amount of the original or previously amended and approved contract.
2. The Contract Adviselement/cent contract is not increasing the monetary amount of the contract, but is processed to: amend; add a line item to the scope; or extend a contract for an additional time period.

Purchase Orders/Blanket Purchase Orders

Purchase orders and blanket orders are normally used for general County-wide and equipment expenses (e.g. office supplies, fuel). Only a purchase or blanket order that is both encumbered against the contractual line and is for the purchase of personal services must be sent to NIFA for review if it meets the \$50,000 threshold amount.

Supporting Documentation and Analysis

Pursuant to the Act, the documentation must include "an analysis of the projected costs of such contract or other obligation and certification that performance thereof will be in accordance with the financial plan" and the County must also respond to queries or requests for additional information that NIFA may prescribe.

The NIFA Board and staff will also require, as a condition precedent to our review and approval, that the County complete a “Contract Approval Request Form” (attached). Among other requirements the form will require the County to certify that its contract process has been legally followed and that the contract conforms to the multi-year financial plan.

Additionally, the County is required to submit the following disclosure documents as separate attachments to the “Contract Approval Request Form” with certifications that the documents have been reviewed by the appropriate County officials:

- List of political donations to County officials by a vendor;
- List of lobbyists;
- Disclosure of any relationship between vendors and any elected officials or County employees;
- List of all bidders/respondents to the RFP from low to high; and
- If another vendor was chosen that did not provide the lowest bid, an explanation of the reason.
- A Vendor “Business History Form” that must include the date of formation of the vendor.

NIFA Staff Review, Approval and Disapproval

Contracts will only be accepted by NIFA for review upon completion of the County’s internal approval process and completion of all documents required or requested by NIFA.



Nassau County Interim Finance Authority

Contract Approval Request Form

(As of May 17, 2016)

1. Vendor: _____

2. Dollar amount requiring NIFA approval: \$ _____

Amount to be encumbered: \$ _____

This is a _____ New Contract _____ Advisement _____ Amendment

If new contract - \$ amount should be full amount of contract

If advisement – NIFA only needs to review if it is increasing funds above the amount previously approved by NIFA

If amendment - \$ amount should be full amount of amendment only

3. Contract Term: _____

Has work or services on this contract commenced? _____ Yes _____ No

If yes, please explain: _____

4. Funding Source:

_____ General Fund (GEN) _____ Grant Fund (GRT)
_____ Capital Improvement Fund (CAP) Federal % _____
_____ Other State % _____
County % _____

Is the cash available for the full amount of the contract? _____ Yes _____ No
If not, will it require a future borrowing? _____ Yes _____ No

Has the County Legislature approved the borrowing? _____ Yes _____ No

Has NIFA approved the borrowing for this contract? _____ Yes _____ No

5. Provide a brief description (4 to 5 sentences) of the item for which this approval is requested:

6. Has the item requested herein followed all proper procedures and thereby approved by the:

Nassau County Attorney as to form _____ Yes _____ No _____ N/A
Nassau County Committee and/or Legislature _____ Yes _____ No _____ N/A

Date of approval(s) and citation to the resolution where approval for this item was provided:

7. Identify all contracts (with dollar amounts) with this or an affiliated party within the prior 12 months:

AUTHORIZATION

To the best of my knowledge, I hereby certify that the information contained in this Contract Approval Request Form and any additional information submitted in connection with this request is true and accurate and that all expenditures that will be made in reliance on this authorization are in conformance with the Nassau County Approved Budget and not in conflict with the Nassau County Multi-Year Financial Plan. I understand that NIFA will rely upon this information in its official deliberations.

Signature	Title	Date
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Print Name _____

COMPTROLLER’S OFFICE

To the best of my knowledge, I hereby certify that the information listed is true and accurate and is in conformance with the Nassau County Approved Budget and not in conflict with the Nassau County Multi-Year Financial Plan.

Regarding funding, please check the correct response:

___ I certify that the funds are available to be encumbered pending NIFA approval of this contract.

If this is a capital project:

___ I certify that the bonding for this contract has been approved by NIFA.

___ Budget is available and funds have been encumbered but the project requires NIFA bonding authorization.

Signature	Title	Date
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Print Name _____

NIFA

Amount being approved by NIFA: _____

Signature	Title	Date
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Print Name _____

NOTE: All contract submissions MUST include the County’s own routing slip, relevant Nassau County Legislature communication documents and relevant supplemental information as specified in the NIFA Contract Guidelines that pertain to the items requested herein.

NIFA Contract Approval Request Form MUST be filled out in its entirety before being submitted to NIFA for review.

NIFA reserves the right to request additional information as needed.